

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Kim	Team: Squad #8	CCRB Case #: 202003848	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 7:26 PM	Location of Incident: Barclays Center	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 05/31/2020 9:00 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Sun, 05/31/2020 9:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. an Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Mendez	05665	956922	107 PCT
2. SGT Samir Alrubayai	02017	932249	078 PCT
3. CCA Jeffrey Maddrey	00000	899501	C A B
4. COD Terence Monahan	00000	876747	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A. an Officer	Force: An officer used physical force against an individual.	

Case Summary

On May 30, 2020, § 87(2)(b) filed this complaint with the CCRB via on-line website [BR01]. This complaint was split from CCRB complaint 202003753 [BR02].

On May 29, 2020, at approximately 7:26 p.m., at the Barclays Center in Brooklyn, § 87(2)(b) was attending a Black Lives Matter Protest. § 87(2)(b) allegedly saw an unidentified officer pulling an unidentified individual away by her arms (**Allegation A: Force**; § 87(2)(g)). It was undetermined whether the unidentified individual was arrested or issued a summons as a result of this incident.

§ 87(2)(b) provided cell phone footage of a portion of this incident [BR03]. A search for body-worn camera footage (BWC) for this incident yielded four results [BR04-BR06, BR17]. The search for BWC was conducted for May 29, 2020, between 6:00 p.m. and 10:00 p.m. The search included the 78th Precinct, 84th Precinct, 107th Precinct, and any videos taken at the Barclays Center in Brooklyn [BR16]. Witness officer PO Daniel Mendez's camera ran out of battery and he properly notated this in his memo book [BR09].

Pleading Language for all allegations to be closed as officer unidentified

Allegation (A) Force: An officer used physical force against an individual.

Known facts and general descriptions

§ 87(2)(b) testified that on May 29, 2020, at approximately 7:26 p.m., she attended a Black Lives Matter protest at the Barclays Center in Brooklyn. Approximately 15-20 feet away, § 87(2)(b) saw an unidentified officer pulling an unidentified individual away from the crowd by her hands. Both the officer and the individual remained on their feet during this interaction. The officer then pulled the individual away with her hands behind her back. § 87(2)(b) could see the interaction clearly until PO Daniel Mendez of the 107th Precinct ran toward her and blocked her view. The unidentified officer and unidentified individual could not be seen afterward as the crowd of protestors and police officers blocked § 87(2)(b)'s view. § 87(2)(b) stated that the officer treated this individual in a rough manner that was unique to the way other officers were pulling people away from the crowd. § 87(2)(b) did not know if the individual was arrested [BR07].

§ 87(2)(b) provided the following description for the unidentified individual: a white female with blonde hair who was in her mid-20's and was dressed in black. § 87(2)(b) provided the following description of the officer involved: a white male with a medium build in his mid-40's. He was dressed in uniform and was wearing a white shirt. § 87(2)(b) did not obtain the name or shield number of any officers present during this incident with the exception of PO Mendez. § 87(2)(b) accurately provided PO Mendez's shield number to the investigation, which she obtained by reading it off his shield after she was pushed. She initially provided his name as "Nunez" to the investigation. § 87(2)(b) did not know any of the individuals who attended the protest [BR07].

Cell phone footage taken by § 87(2)(b) of the incident captures an unidentified officer appearing to grab an unidentified individual's arms and holding them behind their back. Another unidentified officer appears to hold the unidentified individual's left shoulder. The two officers walk the unidentified individual through a crowd toward the Barclays Center. This sequence is captured from 00:00 to 00:02 seconds. The unidentified individual can only be seen briefly from the back. They have blonde hair and are wearing a black shirt. The first unidentified officer is a white male who appears to be in his mid-50's. He is wearing a light blue mask, dark blue police hat and is in uniform with a white shirt. The second unidentified officer is a white male with grey hair and glasses who appears to be in his mid-50's. He is wearing a light blue mask, a white polo shirt, and

dark grey jeans. Neither officers' faces can be seen clearly. Neither officers' shields can be seen [BR03].

BWC

BWC footage of Sgt. Alrubayai at 53:30 minutes shows two unidentified officers (PO1 and PO2) walk an unidentified female away from the crowd of protestors toward the Barclays Center. PO1 is holding her left arm behind her back and PO2 is holding her right arm behind her back. A third unidentified officer (PO3) walks a couple of feet behind them. The group stops approximately five feet from Sgt. Alrubayai. PO1 and PO2 let go of the unidentified female and PO3 holds her by her right arm. A fourth unidentified officer (PO4) holds her left arm. The unidentified female's arms are by her side. Sgt. Alrubayai turns away, so it is unclear what happens afterward [BR17].

Three additional BWC videos results were obtained for this incident, but these videos did not capture the incident. [BR04-BR06]. The search for BWC was conducted for May 29, 2020, between 6:00 p.m. and 10:00 p.m. The search included the 78th Precinct, 84th Precinct, 107th Precinct, and any videos taken at the Barclays Center in Brooklyn [BR16].

NYPD Documents Reviewed

A search for TARU surveillance footage of the interaction yielded negative results [BR15]. PO Mendez's Memo Book from May 29, 2020 noted that his body-worn camera (BWC) died at 3:00 p.m. [BR09]. The Command Log from May 29, 2020 noted in an entry at 5:50 p.m. that PO Mendez's BWC had died [BR09]. A BADS search for any arrests associated with this specific interaction conducted based on the incident date, location, and time yielded negative relevant results [BR10].

Ranking Officers

Chief Terance Monahan was the highest-ranking officer on scene. Chief Monahan was interviewed for this case [BR19].

Officers Interviewed

PO Mendez of the 107th Precinct, whose shield number was 05665, testified that on May 29, 2020, at the Black Lives Matter protest at the Barclays Center in Brooklyn, he was standing behind metal barricades with approximately 200 police officers. There were approximately 1,000 protestors present. PO Mendez stated that he saw multiple white females being arrested but did not recall if any of them matched the description that § 87(2)(b) provided. Cell phone footage taken by § 87(2)(b) was played for PO Mendez during his MOS interview. At 24:15 minutes, PO Mendez stated that he could not identify any of the officers in the video besides himself. The cell phone footage did not aid in PO Mendez's recollection of this incident [BR08].

Sergeant Samir Alrubayai, of the 78th Precinct, whose shield number was 02017, testified that he did not recall this specific incident in any manner. The portion of Sgt. Alrubayai's BWC footage referenced below was played for Sgt. Alrubayai during his interview. Sgt. Alrubayai did not recognize any of the officers in the footage. The footage did not aid in Sgt. Alrubayai's independent recollection of the incident [BR20].

Chief Jeffrey Maddrey, Chief of the Community Affairs Bureau, was interviewed for this complaint. Chief Maddrey did not have a shield number. The same portion of Sgt. Alrubayai's BWC footage referenced above, was played for Chief Maddrey. Chief Maddrey testified that he did not recognize any of the officers in the footage [BR18].

Chief Monahan, Chief of the Department, was interviewed for this complaint. Chief Monahan did not have a shield number. The portion of Sgt. Alrubayai's BWC footage referenced above, was played for Chief Monahan. Chief Monahan testified that he did not recognize any of the officers in the footage [BR19].

Allegation Recitation and Disposition

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the fifth complaint § 87(2)(b) has been party to. Throughout these five complaints, six allegations have been made [BR12].

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation as it was related to a 2020 police brutality protest.
- According to the New York City Office of the Comptroller, § 87(2)(b) has not filed a Notice of Claim regarding this incident as of August 26, 2020 [BR13].
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction history in New York City [BR14].

Squad No.: 9

Investigator: Noah Kim Investigator Kim 04/06/2021
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 4/6/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date